

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code section 105.4, the Iowa Plumbing and Mechanical Systems Board hereby amends Chapter 28, "Plumbing and Mechanical Systems Board—Licensure Fees," Iowa Administrative Code.

The purpose of this amendment is to relieve the burden of sitting for examination from a licensee who has allowed a license(s) to lapse for more than 60 days but not more than 365 days. This amendment sets forth the late fee and renewal fee that will be due when a licensee renews a license(s). The amendment also stipulates that a licensee who has allowed a license to lapse for more than 60 days cannot continue to work in the discipline until the license is renewed and that a licensee who does continue to work with a lapsed license may be subject to disciplinary action.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 21, 2012, as **ARC 0042C**. A total of 90 comments were received during the public comment period. Ten comments were in favor of the amendment as proposed; 65 comments were opposed to the amendment. The remaining comments included 2 mixed comments that were in favor of part of the amendment and against the one-year reinstatement options. Five comments addressed issues not related to the proposed amendment. Six comments were unclear whether they were in favor of or opposed to the proposed amendment. The remaining 2 comments were personal in nature, occurred during the public hearing, and did not relate to the proposed amendment. This amendment is identical to the amendment published under Notice of Intended Action.

The Plumbing and Mechanical Systems Board adopted this amendment on August 21, 2012.

After analysis and review of this rule making, it has been determined that this amendment will have a positive impact on jobs. By paying late fees, a licensee will be assured of a timely renewal of the license in lieu of delays caused by sitting for and passing an examination.

This amendment is intended to implement Iowa Code section 105.20 and chapter 272C.

This amendment will become effective November 7, 2012.

The following amendment is adopted.

Rescind paragraph **28.1(5)“c”** and adopt the following new paragraph in lieu thereof:

c. A licensee who allows a license to lapse for more than 60 days but not more than 365 days may reinstate and renew the license without examination upon payment of a \$100 late fee and the appropriate renewal of license fee. A licensee whose license has lapsed for more than 60 days may not work as a plumbing or mechanical professional or contractor in Iowa until the license is renewed. A licensee who works as a plumbing or mechanical professional under a license that has lapsed more than 60 days, including under a special restricted license; works as a geothermal heat pump installer with a lapsed license; or operates as a contractor in the state of Iowa with a lapsed license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code chapter 105, criminal sanctions pursuant to Iowa Code chapter 105, and other available legal remedies.

[Filed 9/5/12, effective 11/7/12]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/3/12.